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# SENATE BILL No. 293

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 16-31-2-11; IC 16-39-10.

**Synopsis:** Health related information disclosure. Requires public disclosure of certain information in a pre-hospital ambulance rescue or report record if emergency ambulance services are provided by a public agency or under contract with a public agency. Provides for disclosure of certain information concerning a missing person. Requires the state department of health to request a determination that the provision is not preempted by the federal Health Insurance Portability and Accountability Act.

**Effective:** July 1, 2005.

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**Miller**

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January 6, 2005, read first time and referred to Committee on Health and Provider Services.

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Introduced

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## SENATE BILL No. 293

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A BILL FOR AN ACT to amend the Indiana Code concerning health.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 16-31-2-11 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. (a) The commission  
3 shall develop procedures for ongoing review of all emergency  
4 ambulance services.  
5 (b) The commission may review any pre-hospital ambulance rescue  
6 or report record regarding an emergency patient that is utilized or  
7 compiled by an emergency ambulance service employing paramedics,  
8 emergency medical technicians-intermediate, emergency medical  
9 technicians, or emergency medical technicians-basic advanced.  
10 However, except as provided in subsection (d), those records shall  
11 remain confidential and may be used solely for the purpose of  
12 compiling data and statistics. The use of such data or statistics is  
13 subject to IC 4-1-6.  
14 (c) The commission may develop and oversee experimental study  
15 projects conducted by ambulance service providers in limited  
16 geographic areas of Indiana. These study projects must be developed  
17 and conducted in accordance with rules adopted by the commission

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under IC 4-22-2. These study projects must be designed to test the efficacy of new patient care techniques and new ambulance service systems.

(d) This subsection applies to emergency ambulance services that are provided by or under a contract with an entity that is a public agency for purposes of IC 5-14-3. The following information, if contained in a pre-hospital ambulance rescue or report record regarding an emergency patient, is public information and must be made available for inspection and copying under IC 5-14-3:

(1) The **location of the scene where the patient was located, and the date and time of the request for ambulance services.**

(2) The reason for the request for assistance.

(3) The time and nature of the response to the request for ambulance services.

(4) The time of arrival at the scene where the patient was located.

(5) The time of departure from the scene where the patient was located.

(6) The name of the facility, if any, to which the patient was delivered for further treatment and the time of arrival at that facility.

SECTION 2. IC 16-39-10 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

**Chapter 10. Disclosure of Protected Health Information**

**Sec. 1. As used in this chapter, "covered entity" has the meaning set forth in 45 CFR 160.103 as in effect on November 4, 2004.**

**Sec. 2. As used in this chapter, "law enforcement official" has the meaning set forth in 45 CFR 164.501 as in effect on November 4, 2004.**

**Sec. 3. As used in this chapter, "protected health information" has the meaning set forth in 45 CFR 160.103 as in effect on November 4, 2004.**

**Sec. 4. A covered entity may disclose the following protected health information to a law enforcement official who requests the protected health information for the purpose of identifying or locating a missing person:**

(1) **Contact information, including family, personal representative, and friends of the individual.**

(2) **Previous addresses of the individual and the individual's family, personal representative, and friends.**

SECTION 3. [EFFECTIVE JULY 1, 2005] (a) **The state department of health shall, not later than September 1, 2005,**

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1 request that the secretary of the United States Department of  
2 Health and Human Services make a determination under 45 CFR  
3 160.204 that IC 16-39-10, as added by this act, is not preempted by  
4 45 CFR 164 because an intrusion into privacy that may result from  
5 implementing this chapter is warranted when balanced against a  
6 compelling state interest, including a public health, safety, or  
7 welfare need to identify or locate a missing person.

8 (b) Upon receiving a determination from the secretary  
9 concerning a request made under subsection (a), the state  
10 department of health shall:

11 (1) publish the determination on the state department's  
12 Internet web site; and

13 (2) forward the results of the determination to:

14 (A) the licensing authority for each covered entity;

15 (B) each law enforcement agency in Indiana; and

16 (C) the executive director of the legislative services agency.

17 (c) This SECTION expires December 31, 2008.

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